



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 24, 2022

Collin B. Mooney
Executive Director
Commercial Vehicle Safety Alliance
6303 Ivy Lane
Suite 310
Greenbelt, MD 20770

Reference No. 21-0074

Dear Mr. Mooney:

This letter is in response to your July 14, 2021, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to emergency response training requirements.

We have paraphrased and answered your questions as follows:

- Q1. You ask how detailed the safety training requirement in § 172.704(a)(3)(i) must be.
- A1. Section 172.704(a)(3)(i) requires that each hazmat employee- as defined in § 171.8- must receive safety training concerning emergency response information required by subpart G of part 172. The HMR does not prescribe the detail or specificity of this requirement, as it is a performance-based standard.
- A hazmat employee training program meets the requirements of § 172.704(a)(3)(i) if it includes training on emergency response information and complies with the requirements of subpart G of part 172. Please note that an employer's hazmat training program should meet all applicable requirements of § 172.704, not just § 172.704(a)(3)(i).
- Q2. You ask whether a driver or other carrier hazmat employee is required to provide emergency response information to emergency responders when a related hazardous materials incident occurs involving the hazmat employee that is transporting or handling the hazardous material.

- A2. The answer is yes, emergency response information must be readily available to authorities in the event of an incident or inspection. Section 172.602(c)(1) requires that each carrier shall maintain emergency response information in the same manner as prescribed for shipping papers. Section 177.817(e) details storage and accessibility requirements for shipping papers. Therefore, the emergency response information must also be stored and available to authorities in the event of an accident or inspection in accordance with § 177.817(e)
- Q3. You ask how much detail a driver or other carrier hazmat employee must give to emergency responders regarding the hazardous materials involved in the incident.
- A3. Section § 172.602(c)(1) requires that no person—that is subject to subpart G of part 172—may offer for transportation, accept for transportation, transfer, store, or otherwise handle during transportation a hazardous material unless emergency response information conforming to subpart G of part 172 is: (1) immediately available for use at all times the hazardous material is present; and (2) immediately available to any person who—as a representative of a Federal, State, or local government agency—responds to an incident involving a hazardous material, or is conducting an investigation that involves a hazardous material.

Section 172.602(c)(1) requires that each carrier shall maintain emergency response information in the same manner as prescribed for shipping papers. Section 177.817(e) details storage and accessibility requirements for shipping papers. Therefore, the emergency response information must also be stored and available to authorities in the event of an accident or inspection in accordance with § 177.817(e).

- Q4. You ask whether the amount of hazmat safety training on emergency response information is dependent on the hazardous material being transported. You provide the example of a driver of a propane truck only needing training regarding propane while a driver of a transport vehicle that carries multiple hazard classes needing training on all hazardous materials they transport.
- A4. See answer A1.
- Q5. You ask whether compliance with the emergency response information, conforming to subpart G of part 172, should be verified by a roadside inspector during a roadside inspection, or should it only be checked during a compliance investigation or facility inspection.

A5. The HMR prescribes the requirements for the safe and secure transportation of hazardous materials in commerce, as the Secretary considers appropriate. Pursuant to § 172.602(c)(1), emergency response information required under subpart G of Part 172 must be immediately available to any person who, as a representative of a Federal, State, or local government agency responding to an incident involving a hazardous material or is conducting an investigation which involves a hazardous materials. A roadside inspector may check for compliance with this requirement.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [DerKinderen, Dirk \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Request For Clarification Interpretation 15-0129
Date: Wednesday, July 14, 2021 3:53:41 PM
Attachments: [CVSA Request for Clarification Regarding Interpretation 15-0129.pdf](#)
[image002.png](#)

Per the below instruction from Duane, please log as a request.

From: Pfund, Duane (PHMSA) <Duane.Pfund@dot.gov>
Sent: Wednesday, July 14, 2021 3:51 PM
To: [adrienneg cvsa.org](mailto:adrienneg@cvsa.org) <adrienneg@cvsa.org>
Cc: Bill Reese <billr@cvsa.org>; [collinm cvsa.org](mailto:collinm@cvsa.org) <collinm@cvsa.org>; DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>; Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>; Nickels, Matthew (PHMSA) <Matthew.Nickels@dot.gov>
Subject: RE: Request For Clarification Interpretation 15-0129

Thank you Adrienne – we'll will log it into our system as an interpretation request.

v/r

Duane A. Pfund

International Program Coordinator, Office of Hazardous Materials Safety

US Department of Transportation

Pipeline and Hazardous Materials Safety Administration

1200 New Jersey Ave SE, Washington DC, 20590

Office: 202.366.4471 ♦ Mobile: 202.680.0704

[PHMSA Home](#) | [LinkedIn](#) | [Twitter](#) | [HAZMAT](#) | [OPS](#)



From: Adrienne Gildea <adrienneg@cvsa.org>
Sent: Wednesday, July 14, 2021 1:46 PM
To: Pfund, Duane (PHMSA) <Duane.Pfund@dot.gov>
Cc: Bill Reese <billr@cvsa.org>; [collinm cvsa.org](mailto:collinm@cvsa.org) <collinm@cvsa.org>
Subject: Request For Clarification Interpretation 15-0129

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Mr. Pfund,

Attached, please find a request for clarification regarding Interpretation 15-0129.

Thank you,

Adrienne Gildea
Deputy Executive Director
Commercial Vehicle Safety Alliance

6303 Ivy Lane, Suite 310
Greenbelt, MD 20770

301-830-6157 - office
202-213-5890 - cell



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

July 14, 2021

Duane Pfund
Acting Director
Standard and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Pfund,

At the Commercial Vehicle Safety Alliance's (CVSA) 2021 Virtual Spring Workshop, the Hazardous Materials Committee discussed PHMSA interpretation 15-0129, which addresses driver emergency response training. The group concluded that clarification regarding the interpretation is necessary.

CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States, by providing guidance and education to enforcement, industry and policy makers.

CVSA requests that PHMSA re-address interpretation 15-0129, so it can be uniformly enforced, and the motor carrier industry has a clear understanding of the requirements. Specifically, we would like the following questions answered.

- 1) In interpretation 15-0129, PHMSA states, "The HMR do not require a hazmat employee to have proficiency or familiarity with a specific source of emergency response information such as the ERG as part of safety training." Safety training in §172.704(a)(3)(i) requires hazmat employees to receive training on emergency response information required by subpart G of part 172. What is PHMSA's expectation on the detail of this required training?
- 2) Is a driver or other hazmat employee required to provide emergency response information to emergency responders when a hazmat incident occurs involving the hazmat employee and hazardous material the hazmat employee is transporting or responsible for?

- 3) If the answer to question 2 is yes, how much detail is the hazmat employee required to give emergency responders regarding the hazardous materials involved in the incident?
- 4) Is the amount of training on emergency response information required for a hazmat employee dependent on the hazardous material transported? For example, the driver of a bob-tail propane truck only needs emergency response training on propane, while the driver who works for an LTL carrier transporting multiple hazard classes or divisions of hazardous materials would need more training.
- 5) Is compliance with emergency response information required by subpart G to part 172 something a roadside inspector should be verifying during a roadside inspection, or should it only be checked during a compliance investigation or facility inspection?

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the opportunity to comment on this proposal and the agency's commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6149 or by email at collinm@cvsa.org.

Respectfully,



Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance